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February 7, 2017

RE: Mr. Dennis Henry

Gentry, AR 72734

DOB: [REDACTED]
D/A: 12/03/13

VOCATIONAL EVALUATION

BACKGROUND INFORMATION

Mr. Henry, a 62-year-old male, was referred for the purpose of a vocational evaluation. A vocational interview was conducted with Mr. Henry on January 29, 2017 in Rogers, Arkansas. The vocational evaluation consisted of a personal interview with Mr. Henry and his wife Karen, a review of labor market data, a review of available medical records, a transferable skills analysis and vocational assessment.

On December 3, 2013 Mr. Henry was admitted to the hospital for an exploratory laparotomy for small bowel obstruction secondary to adhesions with enterotomy and small bowel resection with primary anastomosis and lysis of adhesions. Mr. Henry reports that he was in a coma for 10 days due to surgical complications and remained hospitalized until December 23, 2013. Since that time, he has had ongoing medical problems, some of which have required hospitalization.

Mr. Henry currently resides with his wife in Gentry, Arkansas.

DAILY ACTIVITIES

Mr. Henry indicated that he wakes up at 7am and goes to bed at approximately 11pm. He notes since the 2013 surgery, he has back pain that prevents him from lying flat and he now usually sleeps in a recliner. In the morning, he drinks coffee, lets his daughter's chickens out and returns to his house to watch television and read the Bible. He denies taking naps during the day but his wife notes that he will sleep off and on while sitting in his recliner during the day. He attends church services on Sunday. His wife performs most of the household chores, but he is able to mow by using a riding mower.

Mr. Henry reports the following physical capacities:

Walk: 5 minutes (with cane), then stops and rests due to SOB

Sit: WNL

Stand: 5-10 minutes
Lift: Up to 5-10 pounds
Drives: Up to 1 hour
Dominant hand: Right

Mr. Henry reports that he is independent in ADLs, but reports difficulty getting in and out of the bathtub. He reports difficulty rising from a seated position. He climbs stairs by using a hand rail and climbing one step at a time.

Mr. Henry reports pain in his knees, back, feet and stomach. He reports that because he does not move as often now, his (pre-injury) arthritis pain in his knees is worse. He reports (and demonstrates) edema in his legs bilaterally and reports that he occasionally gets sores on his legs. He reports swelling in his feet, which is treated with Lasix. He has significant scarring on his stomach and reports and these wounds are sometimes open. His stomach wound was not healed for almost two years and it now bleeds and scabs erratically. He reports that his stomach pain has improved with time but back his back pain has increased. After his 2013 discharge, he was taking 180 hydrocodone per month, which was changed to morphine but he weaned himself from both medications. He reports that he would rather feel pain than feel the effects of the medications.

SOCIO-ECONOMIC FACTORS

Marital status: Married 30+ years to Karen
Children: Six adult children (ages 25-41)
Residence: Mobile home (rental) on 1 acre of land
Family member employment status: Not presently employed
Compensation: Qualified for SSDI that converted to early retirement at age 62 (\$635 per month); Recently approved for VA disability benefits (\$1300 month with \$635 offset)
Social Security Disability status: Qualified for SSDI after injury
Driver's License: Valid Arkansas Driver's License (CDL current)
Transportation status: Vehicle available for transportation
Felony convictions: None
Drug/ Alcohol difficulty: None
US citizen: Yes

PRE-EVENT MEDICAL HISTORY

Mr. Henry's history is positive for the following medical conditions:

Previous head injuries: None
Chronic Health conditions: Hypertension (treated with low dose medication)
Previous work restrictions: None
Social Security Disability application: No prior application

Based upon a review of medical records, Mr. Henry has the following surgical/trauma/procedural history:

- 12/3/2013: Exploratory laparotomy for small bowel obstruction secondary to adhesions, enterotomy, and had small bowel resection with primary anastomosis, lysis of adhesions.
- 1/31/2012: Retrorectus abdominal wall hernia repair, as well as bowel resection for adhesions.
- 10/14/2010: Retrorectus repair of a very large, incarcerated ventral hernia.
- 9/21/2010: Left radial fracture plus multiple contusions, scrapes and cuts in a 15-20 feet fall off scaffolding at work onto a hard surface, mainly on his trunk.
- 1/3/2010: Right triquetral fracture of hand after fall on ice
- 5/10/2007: EGD/colonoscopy - EGD showed generalized gastritis without evidence of ulcer, and the colonoscopy showed hyperplastic polyps, one too large for endoscopic removal.
- 8/21/2007: Partial colectomy for hyperplastic polyp. No residual neoplasia.
- 1/9/2005: Screening colonoscopy with multiple hyperplastic polyps removed.
- 8/15/2002: Olecranon fracture right elbow after hitting it at work
- 1983 EGD & gastric ulcer surgery
- Age 17: Distal amputation of right thumb without loss of function
- Age 7: Broken right arm

POST-EVENT MEDICAL HISTORY

Following the 2013 event, Mr. Henry was prescribed oxygen, which he uses nightly. In April 2014, Mr. Henry was admitted to the hospital where he remained for 10 days to adjust medications for a cardiac condition. In 2016, he was hospitalized for five days for a cardiac condition.

In 2017, Mr. Henry received treatment from the following physicians:

- Dr. Christy Jones, Rogers, AR: PCP: Sees monthly
- Cardiologist (name unknown)
- Vascular surgeon (name unknown)
- Orthopedic doctor (Ozark Orthopedic): Bilateral knee injections every 3 months

Mr. Henry is currently taking the following medications:

- OTC BC Powder, Advil, Tylenol: Takes daily
- Diltiazem (HTN)
- Potassium 30 mg
- Warfarin
- Thyroid medication 10 mg
- Lasix
- Probiotics

Side effects include: frequent urination and diarrhea

Mr. Henry uses the following injury-related equipment:

- Cane (prescribed 2013)
- Oxygen concentrator: Uses nightly since 2014

Mr. Henry was prescribed a CPAP machine but could not tolerate wearing the mask. He received a walk in 2013 but no longer uses. His home was previously equipped with wheelchair ramps, which he used after the injury.

EDUCATION

Mr. Henry completed the 8th grade at Springdale High school. He notes that he repeated the eighth grade several times prior to discontinuing his education. He served in the U.S. Army from 11/10/1972 until 2/24/1975, when he received an honorable discharge. He denies compensable service-connected disabilities. While in the military, he earned a high school diploma from St. Louis High School in Hawaii in 1973, which he completed while stationed in Vietnam.

Mr. Henry reports that he learned to drive on the job but let his chauffeur's license lapse which required him to complete a three-week truck driver training in South Dakota in approximately 2010. Mr. Henry does not own a computer, does not know how to use a computer and denies previously using a computer on the job.

EMPLOYMENT HISTORY

In 2016, Mr. Henry attempted to return to work as a commercial truck driver for approximately six weeks. He applied for work through Driver's Select in Springdale, Arkansas who sent him to a chiropractor for a DOT physical. He worked sporadically for two weeks and then worked full-time for one month. His job duties included driving Ryder trucks between lots in northwest Arkansas on the 6pm until 2am shift. He notes that he would perform the vehicle inspection and drive to the location but that he would become short of breath and fatigued from the vehicle inspection. He was paid \$16 per hour. He attempted this work for one month prior to resigning due to his health.

Dates: 12/2012- 11/30/2013

Employer: GLS Transportation, Springdale, Arkansas

Job Title: Delivery- Truck Driver, 905.663-014 H/4

Duties: Drove bob truck and diesel truck to make deliveries from chicken plants, etc., provided customer receipts, fuel truck and inspect vehicle. Physically the job including 7 hours of sitting, climbing 10 minutes, walking 30 minutes, stooping 5 minutes and lifting less than 10 pounds but he had to turn the crank on the wheels.

Reason for Leaving: Could not return after surgery on 12/3/2013.

Salary: \$13.00 hour

Dates: 7/2012-12/2012

Employer: Driver Select, Springdale

Job Title: Delivery- Truck Driver, 905.663-014 H/4

Duties: Drove tractor trailer within 200-mile radius to pick-up load, inspect trailer, provide receipts and keep log book. Sat for 7-8 hours, climbing and no heavy lifting.

Reason for Leaving: Transfer

Salary: \$11.00 an hour (\$13.50 an hour SSA)

Dates: 2011- 7/2012

Employer: Willis Shaw Transport

Job Title: Delivery- Truck Driver, 905.663-014 H/4

Duties: Drove big rig hauling heavy equipment over the instate and kept log. Sat for 10 hours, walk up to 1 hour, and climbed.

Reason for Leaving: Wanted to drive locally

Salary: \$0.30 mile, \$425 wk.

Dates: 6/2009- 6/2011

Employer: Midwest Construction, Bentonville, Arkansas

Job Title: Crew Leader/ Carpenter (860.381-022 CARPENTER M/7)

Duties: Installed framing, windows, siding and decks in residential homes. Work involved heavy lifting, standing, walking and climbing ladders.

Reason for Leaving: Wanted steady work

Salary: Contract labor, \$600 wk.

Dates: 1981-2009

Employer: Quality Services, Northwest Arkansas

Job Title: Owner, Operator Construction Company (Cofferdam-Construction Supervisor, 860.131-018 M/8 / Carpenter II, 860.681-010 M/5)

Duties: Working supervisor providing primarily residential construction work including roofing, framing, siding, windows, and decks. Physically the job involved carrying and climbing ladders, lifting up to 100 pounds or more, standing and walking and stooping.

Reason for Leaving: Work slowed, went to work for other people.

Salary: Paid per job

TEST RESULTS AND INTERPRETATION

Mr. Henry completed the following assessments:

Wide Range Achievement Test (WRAT)-4

The test measures academic achievement and compares results nationally according to age.

<u>Test Area</u>	<u>Raw Score</u>	<u>Std. Score</u>	<u>Percentile</u>	<u>Grade Score</u>
Word Reading	53	84	14 th	8.9
Sentence Comprehension	45	94	34 th	12.0
Math Computation	38	93	32 nd	6.9

Raven Standard Progressive Matrices (Untimed)

The test is designed to measure abstract reasoning, spatial perception, and learning ability.

Norm group: 62 year olds Age: 62
45 Correct of 60 attempted of 60 available = 95-98 percentile

Job Search Attitude Inventory (JSAI)

The Job Search Attitude Inventory was developed to meet the need for a brief measure of attitudes related to the job search process. The purpose of the JSAI is to provide systematic identification of attitudes related to one's job search.

Luck vs. Planning (LP Scale):	24 - High
Uninvolved vs. Involved (UI Scale):	22 - Average
Help from Others s vs. Self-Help:	25 - High
Passive vs. Active (PA Scale):	13 - Average
Pessimistic vs. Optimistic	23 - Average

Career Occupational Preference Systems Interest Inventory

Mr. Henry completed the COPS interest inventory. The purpose of the COPS is to measure level of interest in different occupational fields.

Results were highest in occupational areas related to:

<u>Area</u>	<u>Percentile</u>
Service, Professional	50 percentile
<i>Sample occupations: Teacher, Physical Therapist, Counselor</i>	
Outdoor	25+ percentile
<i>Sample occupations: Farmworker, Wildlife Agent, Veterinary Assistant</i>	
Service, Skilled	25 percentile
<i>Sample occupations: Cook, Taxi Driver/ Chauffeur, Police Officer</i>	

Minnesota Clerical Test

This test is designed to measure elements of perceptual speed and accuracy of the type required to perform various clerical activities. The test has two parts: Number Comparison and Name Comparison.

Name Comparison Raw Score: 58 (1st- 5th percentile)
Norms Used: *Male Applicants*

RETURN TO PREVIOUS EMPLOYMENT

Based upon a review of medical records, Mr. Henry has the following work related capacities:

12/15/2014 Shirin Desilva

Date of interview-based METs test: 12/15/2014. This METs level has been found to be consistent with activities such as light yard work (weeding), mowing lawn (power mower), brisk walking (4 mph). Does the Veteran's heart condition(s) impact his or her ability to work? Yes. The veteran had previously been able to work as a truck driver, but has not been able to do so due to his inability at present to pass a DOT fitness exam due to his cardiac arrhythmia and his abdominal surgeries which limit heavy lifting.

Does the Veteran's intestinal condition impact his or her ability to work? Yes. It precludes heavy lifting, keeping him from driving commercially.

Do any of the Veteran's intestinal surgery residuals impact his or her ability to work? Yes. He is unable to engage in a job requiring heavy lifting.

4/12/2014 Robert Redd, MD, Residual Functional Capacity

Occasionally: lift and/or carry 10 pounds. Climbing Ramps/ Stairs. Climbing ladders/ ropes/ scaffolds. Balancing. Stooping. Kneeling. Crouching. Crawling.

Frequently lift and/or carry: less than 10 pounds

Stand and/or walk: 2 hours

Sit: About 6 hours in an 8-hour workday.

2/25/2014 Ragini Sharma, M.D., Medical Source Statement

Diagnosis: Open wound, intestinal adhesion with obstruction.

While engaging in occasional standing/walking must your patient use a cane or other assistive device? Yes.

Please indicate how long your patient can sit and stand/walk total in an 8 hour working day (with normal breaks). *Stand/walk: 0-2. Sit: 0-2.*

Does your patient need a job that permits shifting position at will from sitting/ standing or walking? *Yes*

How many pounds can your patient lift and carry in a competitive work situation? *Less than 10 lbs. occasionally*

How often can your patient perform the following activities?

Rarely: *Twist, Stoop (bend) Crouch/ squat, Climb Ladders, Climb Stairs*

Does your patient have significant limitations with reaching, handling or fingering? *No*

Please indicate the percentage of time during an 8-hour working day that your patient can use hands/fingers/arms for the following activity: *Unlimited.*

How often during a typical workday is your patient's experience of pain or other symptoms severe enough to interfere with attention and concentration needed to perform even simple work tasks? *Constantly*

To what degree can your patient tolerate work stress? *Capable of low stress jobs*

Please indicate, on the average, how many days per month your patient is likely to be absent from work as a result of the impairments? *About one day per month.*

Mr. Henry's work history has consisted of Medium and Heavy level work, according to the Dictionary of Occupational Titles (D.O.T.) [see attachment for definitions]. Therefore, with any of the three sets of medical restrictions outlined after the 2013 surgery, Mr. Henry cannot return to past work. Based on a labor market survey conducted on February 7, 2017, the following information was found about truck driver requirements, which exceed any of the above restrictions.:

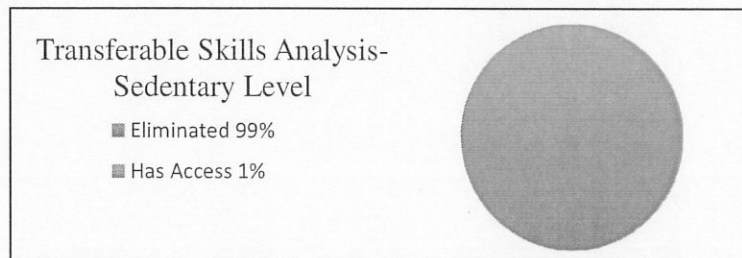
1. Driver's Select, Springdale, Arkansas. Based on a conversation with Linda, most truck driving jobs that they have require lifting, pushing carts and or drop/ hook, all of which can be heavy. There are some no-touch freight jobs but these are usually over the road driving jobs.
2. Feed Mill CDL Driver. Springdale, Ar. Tyson. Applicant must have an active Class A CDL, must be at least 21 years of age, must have at least 1 year verifiable driving experience driving a tractor trailer. Must have operated a truck model and length of trailer pulled (48ft. flat bed, 53-foot reefer, etc.) Also, must have ten years of work history (employed, unemployed, or self-employed). Must be able to maintain operational records, must be able to operate a Moffett forklift or possess the ability to obtain the proper license. Must be able to **lift up to 50 lbs, push, pull, grasp, bend, climb and stoop**. Temperatures will vary with the external environment to include heat, cold, wet, dry and damp with high concentrations of allergens at times.
3. CDL Driver. Lowell, AR. BMC. Delivers materials to job site, inspects and maintains truck, reports shortages and claims to supervisor and assists in loading and storing of materials. Clean driving record, current CDL operator's license, and current DOT qualifications. Ability to stoop bend, twist, throw and work in a variety of climates and environmental conditions. **Ability to lift up 100 lbs on a repetitive basis**.
4. Local CDL Driver. Tontitown, AR. \$20 an hour. Class A CDL Driver needed for local loads. Leaving from Springdale, AR and returning to Springdale daily. Ability to operate equipment. Hook/Drop trailers, operate forklifts, pallet jacks, load locks, etc. This position is continuously required to talk and hear; constantly required to sit, regularly required to stand, bend, squat and walk, frequently required to climb and crawl into trailers. Must be **able to occasionally lift 75 lb and** occasionally push/pull with a pallet jack.
5. Truck Driver. Anderson, MO. Larson Farm and Lawn, Inc. Transports equipment to/from customers and/or between dealer facilities. 1+ years' experience as semi-trailer truck operator. Class A CDL License. **Ability to lift items weighing upwards to 75 lbs.** repeatedly
6. Non-CDL Driver. Lowell, AR. BMC. Delivers materials to job site, inspects and maintains truck, reports shortages and claims to supervisor and assists in loading and storing of materials. Not CDL driver but may require some certification depending on State law. Major Responsibilities: Checks orders for accuracy. Organizes and secures load. Assists in maintaining good housekeeping in yard and warehouse, as well as assists forklift operators when loading. Delivers and unloads materials to customer's satisfaction. Required Skills: High School diploma or GED. Ability to do arithmetic, read orders, write instructions, and complete forms. Communicate with customers, other employees, and supervisors using verbal and written skills. Knowledge and ability to use safe lifting

techniques. Clean driving record and current operator's license. Preferred Experience: Two- five years' experience driving trucks, prefer lumber dumping experience.

TRANSFERABLE SKILLS ANALYSIS- *The process by which similar, related, or new jobs are identified for a person following injury or disability. These jobs are both consistent and compatible with previous work experience and fall within the range of residual post-injury functioning of the claimant (Farnsworth, K, Field, J. et al, 2005)*

A transferable skills analysis was performed at both the sedentary and light level of exertion. Results are below:

SEDENTARY: With the limitations outlined by Dr. Redd at the sedentary level, Mr. Henry has lost access to 100% of highly and closely transferable occupations and 99% of moderately transferable occupations.



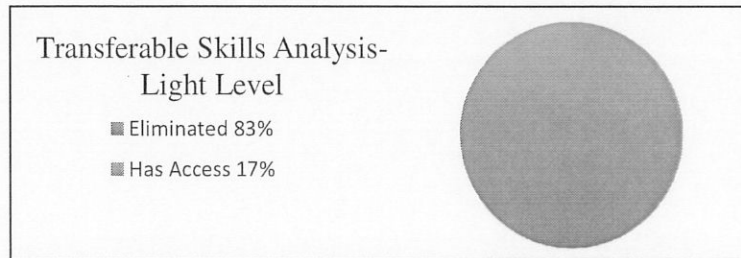
The remaining sedentary transferable skill occupation of *Taxicab Starter* (dispatcher) remained. However, a labor market survey of this occupation (see below) revealed that without computer skills, he would be unable to work in this occupation.

Taxicab Starter/ Dispatcher

1. Dispatcher. Bentonville, Ar. \$34,000 starting. Tyson Foods. The primary responsibility for this position is scheduling travel on company aircraft at all three bases, including determining flight details for executives, scheduling flight crews to ensure compliance with company and FAA regulations regarding currency, flight, and duty times. Other duties include coordinating use of charter services and fractional shares to meet company guidelines; ensure compliance at the XNA and Chicago bases; maintaining department records to ensure compliance; recording logs and passenger manifests for SOX compliance; arranging catering services if needed; and assisting with office duties. Experience: 2+ years Aviation Industry preferred. Computer Skills: Standard computer skills including Microsoft Office suite. Thorough understanding of flight dispatch and logistic support software, professional flight management programs, and SAP required.
2. Night/Weekend Dispatchers. Lowell, AR. \$14/hr. Wachter, Inc. Wachter is currently accepting applications for a night/weekend dispatcher in our Lowell, AR office. Ideal candidates will possess industry experience with large single site operations in the voice/data/electrical field. This position dispatches service tickets and provides administrative and operational support. Minimum HS Diploma/GED; with College Education/Degree highly desirable. Highly proficient with use of personal computer, including email, spreadsheets and database Microsoft Office programs. Must type at least 40 WPM.

3. Dispatcher. Fayetteville, Ar. \$11.00 to \$14.00 per hour. Robert Half. Schedules and dispatches workers, equipment or service vehicles to carry materials or passengers. Records information on each call and prepares detailed reports on all activities occurring during the shift. Communication skills and the ability to work under pressure are important. The dispatcher will be responsible for scheduling and dispatching technicians to job sites, contacting customers to confirm times and address changes, relay work orders to the teams and keep detailed records of site visits.
4. Dispatcher. Lowell, Ar. \$12-15 an hour. JB Hunt. As a Dispatcher, you will be responsible for dispatching, scheduling and resolving problems for our Truckload/Van drivers. This position requires you to have exceptional communication skills and promote a professional workplace attitude. High School or Associate's degree or Military Pay Grade of E1 - E4. Strong computer skills.

LIGHT: With a limitation to light level work, Mr. Henry has lost access to 100% of highly transferable occupations, 83% of light level job with remaining occupations including *Chauffeur, Box Inspector, Assembler, and Rental Car Deliverer.*



The following wage information is available regarding identified transferable skills occupations:

OCCUPATION	Strength/SVP/ OES Code	Average Annual Wages	Median Hourly Wages	Number in Fayetteville- Springdale- Rogers, AR- MO MSA
Chauffeur	L/3 53-3041	\$21,850	\$9.34	330
Box Inspector	L/3 51-9061	\$29,730	\$13.23	1,050
Assembler	L/4 51-9199	\$25,600	\$10.88	820

LABOR MARKET SURVEY- *A labor market survey is a method or approach to gathering relevant and appropriate information about jobs in a specific labor market (Farnsworth, K, Field, J. et al, 2005).*

Mr. Henry's area of residence Gentry, AR (and surrounding 50 miles) was reviewed to determine the jobs that exist and their impact on his potential to return to work. Data reviewed of Benton County reflect a civilian labor force of 122,684 with 119,283 employed and 3,401 unemployed and an unemployment rate of 2.8%. This information was obtained from the County Labor Force Statistics, Arkansas Counties (December 2016). Based on a labor market survey conducted on February 7, 2017, the following information was found about possible transferable skills occupations.

Occupation #1: Chauffeur

1. On Call Shuttle Driver. Bentonville, Ar. \$7-11/hour DOE. Avis Budget Group. As a Driver, you will work outdoors transporting our rental vehicles to and from various locations safely. You will assist other Avis Budget Group associates in maintaining a smooth and safe traffic flow throughout check in area and conduct the final inspection ensuring proper vehicle cleanliness; appearance and readiness meet company standards. You will also identify and report any vehicle damage.
2. Lot Porter/Concierge Driver. Springdale, AR. \$9+ an hour. BMW of Northwest Arkansas. Enhances our customers' positive service experience by driving them to or picking them up from their homes or offices while service is being performed on their vehicles. Moves and cleans vehicles, keeps the vehicles in sound working condition, and helps general manager as requested. To perform this job successfully, an individual must be able to perform each essential duty satisfactorily.
3. Shuttle Driver. Decatur, Ar. Simmons Processing Plant. Transfers trailers from one facility, yard or dock to another by use of a truck. Operates a truck to transfer or drop off trailers. Ensures necessary paperwork is completed. Checks trailer temperature and notifies management of any issues. Maintain proper fuel level of reefers. Must have a current CDL license with 2 years of driving experience (DOT- specific). Must maintain a valid driver's license.
4. Transportation Driver – Hospital. Gravette, AR. OCH Health System. Job Summary: To Transport Patients to and from the facility in a safe and professional manner. Will interact with the facilities that we are transporting patients to for the follow up information for the patient. Provides general nursing care such as positioning patients, lifting and turning applying/utilizing special equipment, assisting in use of bedpan or commode and ambulating the residents. Reports changes observed in condition or behavior of patients and unusual incidents. Establishes and maintains interpersonal relationships with patients, family members and other facility personnel, while assuring confidentiality of resident information. Requirements: High school diploma or equivalent. Current BLS certification upon hire or obtained at next available scheduled class.

Occupation #2: Box Inspector/ Inspectors, Testers, Sorters, Samplers, and Weighers

1. Rental Equipment Inspector. Springdale, AR. H & E Equipment Services. Rental Equipment Inspectors are responsible for the inspection of various heavy equipment product lines. Duties include initial inspection, completing equipment condition reports, damage inspection, performing basic maintenance tasks, and testing the safety and operational capabilities of all rental equipment. *Capable of lifting up to 40 pounds.*
2. Quality Inspector III. Fayetteville, AR. Delta Group Electronics, Inc. Inspects electronic assemblies, subassemblies, parts, and components to assure compliance to customer design documentation and/or industry standards. Input Defect / Yield data into Quality database. Perform basic computer tasks as assigned. Minimal skills required. Daily data entry into an Access database required. The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The employee is regularly

required to sit. The employee is regularly is required to walk. The employee frequently is required to use hands to reach, handle or feel objects. The employee is regularly required to talk and hear. The employee must regularly lift and/or move up to 10 pounds, ***occasionally lift and/or move up to 25 pounds***. Specific vision abilities required by this job include close vision, color vision, peripheral vision, depth perception, and the ability to focus.

3. QC Inspector. Fayetteville, AR. Olgoonik Diversified Services, LLC, an engineering/construction company specializing in facilities construction, operations and repair, is seeking candidates for the position of Construction Quality Control Inspector. Administer the Quality Control Program by preparing QC plans and reports, field inspections of work in progress (3 phase inspections), conducting or obtaining material tests, prepare daily reports, and coordination with subcontractors and Government inspectors. Minimum of 5 years' experience in construction, with emphasis in quality control involving small to medium sized maintenance, repair and minor construction projects. While performing the duties of this job, the employee is required to be able to occasionally stand; walk; sit; use hands and/or fingers to handle, or feel objects, tools or controls; operate office equipment, reach with hands and arms; climb stairs and ladders; balance; stoop; kneel; talk or hear. The employee must occasionally lift and or move up ***to 25 pounds. Advance knowledge in Microsoft Suite products including, Word, Excel, Access and Outlook***

Occupation #3: Assembler

1. Production Worker. Decatur, AR. \$8 an hour. Labor Solutions of Decatur Arkansas. Apply in person and we put you to work right away or next day. Able to work on your feet 8 to 10 hours per day. Fast pace environment, ***been able to lift 50lbs at times***.
2. Mechanical Assembler I. Fayetteville, AR. Delta Group Electronics, Inc. Assembles basic electronic components, sub-assemblies, products, or systems. he employee is occasionally is required to walk. The employee must regularly lift and/or move up to 10 pounds, ***occasionally lift and/or move up to 25 pounds***. High school diploma or general education degree (GED); and three to twelve months of experience and/or training in the electronics field are preferred. Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Perform basic computer tasks as assigned.
3. Assembly Worker. Cassville, Mo. Pay is \$9.61 for 1st Shift ~ Pay is \$10.11 for 2nd Shift. Penmac Staffing is now seeking Assembly Workers for a Cassville manufacturer of electric motors used in the HVAC, automotive, and many other industries. ***Must be able to lift up to 50 lbs.***
4. Boat Prep/Assembler. Lowell, AR. \$8.50 - \$15.00 an hour. Functions: General inspection and assembly; ensuring all items are in showroom quality condition, ready for loading and shipment. While performing the duties of this job, the associate will be ***required to lift products in excess of 50 lbs. without using a lifting device and far in excess of 50 lbs.*** with the assistance of mechanical and manual lifting devices. Substantial amounts of walking, standing, bending, stooping, squatting, pushing and pulling are required. Must be able to work in extreme temperatures for long periods of time.

LOSS OF EARNING CAPACITY

As a result of the 2013 event, Mr. Henry has sustained a loss of earnings, as well as a loss of earnings capacity. In reviewing loss of wage earning capacity, there are several factors to be considered.

A loss of access or loss of opportunity is a key element of loss of earning capacity (employability). This factor considers whether or not Mr. Henry can participate in a specific job with his current physical capacities. That is, would Mr. Henry be denied an opportunity for a job (because of his disability) when he could have performed the job before the injury? A loss of access can reduce the opportunity for Mr. Henry to be successfully employed. If Mr. Henry's vocational profile is determined to be best outlined by Dr. Sharma, he has lost access to competitive employment. If Dr. Redd's limitations are deemed to best reflect Mr. Henry's injury-related capacities, he has lost access to 100% of transferable skills occupations and all past work. If his vocational profile is best reflected in Dr. DeSilva's opinion, Mr. Henry would have lost access to past work as well as 83% of transferable skills occupations.

A second factor is loss of competitiveness. With his limitations, Mr. Henry is no longer as competitive for jobs. If he applies for a position for which he qualifies, but has other unrelated disability related limitations, an employer may choose to hire someone without limitations rather than hiring someone with a disability. Based upon a review of a November 2008 report published by the United States Department of Labor's Office of Disability Employment Policy, 19.1% of companies in the United States reported employing individuals with disabilities (Domzal, Houtenville & Sharma, 2008). Additionally, the employment rate of individuals with disabilities is consistently lower than that of individuals without disabilities. Based upon information published by the Bureau of Labor Statistics, the unemployment rate for disabled individuals was substantially higher than the unemployment rate for non-disabled individuals of the same age and gender. In January 2017, the unemployment rate for men ages 16-64 with a disability was 12%, compared with 5.3% for men without a disability. The proportion of the population employed with a disability was 29%, compared with 77.8% for males without a disability. This reveals a substantial decrease in employment of individuals with disabilities in general. (Source: <http://www.bls.gov/news.release/empsit.t06.htm>).

Another factor to consider is decreased time in the labor market. This decreased time in the labor market may be a result of intermittent medical care or inability due to work due to pain and/ or hospitalizations. In the United States, only 22% of people with disabilities worked full-time, year-round. In Arkansas, 20.1% of individuals with a disability worked full-time year-round. (Erickson, Lee & von Schrader, 2016).

A fourth factor to consider is the difference in wages for jobs. That is, for the jobs that will be available to Mr. Henry, do these jobs pay at a higher or lower rate of pay? It is noted that individuals working with disabilities earn less than individuals without a disability. Average earnings in the United States for those with disabilities working full-time year-round is \$39,300, compared with \$44,400 per year for individuals in the U.S. without disabilities (Erickson, Lee & von Schrader, 2016). The U.S. Census Bureau (2014) reports that the median earnings of individuals with a disability in the United States were \$21,323 compared with \$31,324 for individuals without a disability (2014 American Community Survey, 1-year Estimates). In the United States, males aged 16-64 with a high school diploma and a disability, earn on average

annually \$35,650, \$6,396 less than males of the same age and educational level, working full-time, year-round without a disability (<https://www.census.gov/people/disability/data/cps.html>).

A fifth factor to consider is Age Earnings Cycle. The Age Earnings Cycle or the limitations in moving up the career ladder should also be considered. As Mr. Henry sustained this injury at the age of 59, Mr. Henry has likely exited the labor market sooner than he would without a disability. He notes that he planned to work until age 65-70, as he had no retirement funding set aside. This premature labor market departure is not uncommon for individuals with disabilities. Based upon a review of aging with disability literature (Mitchell, Adkins & Kemp, 2006), there appears to be a significant “age by disability” interaction where disability leads to a faster and earlier decline in employment when compared to individuals without disabilities. In the Mitchell, et al. study, a group of individuals with various disabilities showed a 50% reduction in employment (versus 35% in the non-disabled group) by their sixties. For those with disabilities the employment decline began in their 40s (compared to the 50s and 60s for non-disabled subjects). This was attributed to increase in pain and fatigue, increased medical needs, wear and tear on the body and work induced fatigue. While a college degree improved employment in the group with disabilities in their 20s and 30s, it did not by the 40s.

REHABILITATION OPTION

Ticket to Work- As Mr. Henry has been approved for Social Security Disability benefits, he is entitled to the Social Security Administration’s Ticket to Work rehabilitation program until the age of 64. This program is provided at no charge to adult disability recipients. These services are provided through employment networks and the nearest vendor to Mr. Henry is likely Arkansas Rehabilitation Services 4058 N. College Street, Suite 150, Fayetteville, AR 72703, 479-582-1286. Vocational rehabilitation services may include: diagnosis and evaluation, physical restoration, vocational training, continuing education, tools and equipment, adaptive technology, supported employment, job development, job placement and post-employment services. These services are provided at no cost.

VOCATIONAL IMPLICATIONS

I engaged Mr. Henry in a discussion about return to work. He notes that he has always worked and does not like not working, which is why he attempted to return to work in 2016. He notes that he was planning to return to work in 2013 after a 4-5 day hospitalization, as he had done after his prior surgeries and had arranged with his boss, Terry, to have someone cover his shift for a few days. He reports when he awoke from a coma after 10 days, he called his boss and told him that he was not going to be able to return to work as he previously planned. He reports that in 2016 he was tired of staying at home and wanted to go back to work but was unable to persist due to problems with stamina, shortness of breath, fatigue and difficulty with the physical exertion required in the job.

At this time, Mr. Henry is 62 years of age. He has no computer skills. He earned a GED while in the Army but has only 9 years of formal education. He has a long work history in occupations that do not afford him the skills to work in “sit down” or lighter levels of physical demand categories. He has been deemed to be disabled by the U.S. Social Security Administration,

which was done without an administrative hearing. He has also been out of the labor market for three years which decreases the probability of returning to the workforce. Kruger, Cramer, and Cho (2014) report a 20 to 40 percent lower probability of being employed in 1 to 2 years for individuals who were unemployed for 27 weeks or longer compared with those who were unemployed for 14 weeks or less. This is similar to the 18-38% return to work rate after one year of absence that has been reported by others (Hofgren, 2010; Nilsson & Ekberg, 2013). The New York State Workers' Compensation Board reports only a 50% probability that an employee will return to work after a six-month leave, 25% chance following a one-year absence, and only a 1% chance following a two-year absence. Return to work after a long-term absence has been positively associated with male gender, young age, and work ability (Nilsson & Ekberg, 2013).

SUMMARY

Mr. Henry's previous positions have consisted of work in construction and truck driving, which are classified as medium to heavy level occupations. Since the 2013 event, three physicians have outlined Mr. Henry's post-injury residual functional capacity, none of whom have released him to past work. Given the factors outlined above, in my opinion, the chances of Mr. Henry returning to work successfully are very slim. Nevertheless, I have outlined several vocational scenarios to assist the trier of fact in determining wage loss.

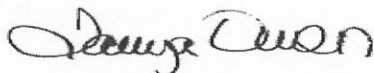
Scenario #1: Based upon Dr. Sharma's opinion of Mr. Henry's physical capacities, he would be unable to return to any past work or any other competitive work that exists in the labor market. This has also proven to be the case as Mr. Henry required almost two years of recovery and his attempt at return to past work was ultimately unsuccessful. In this scenario, he has a total loss of earnings capacity.

Scenario #2: Alternatively, Dr. Robert Redd has provided Mr. Henry a sedentary level vocational profile, which precludes return to any past work and eliminates transferable skills occupations. Mr. Henry's access to sedentary work is further limited by his lack of computer skills and his clerical aptitude, which testing revealed to be at the 1st-5th percentile. At the sedentary level, Mr. Henry has sustained a total loss of earnings capacity.

Scenario #3: Finally, Dr. DeSilva has precluded Mr. Henry from heavy lifting. At the light level of exertion, he could not return to past work and 83% of transferable skills occupations are eliminated. At the light level of work, Mr. Henry would have the capacity to work as a chauffeur with full-time earnings reported at \$21,850 per year in his area of residence. It is noted, however, that only 22% of individuals with disabilities in the United States (20% in Arkansas) work full-time, so it is more likely than not that Mr. Henry would work part-time, earning \$10,925 per year.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Tanya Rutherford Owen, Ph.D., CRC, CLCP, CDMS, LPC

RECORD REVIEW

The following medical records were reviewed:

10/31/2016 Jason Pruitt, MD

Follow up/ hospital

10/31/2016 Marc Rogers, MD

Admission: 10/25/16. Discharge: 10/31/16. Principal Diagnosis: Abdominal Distension.

Secondary Diagnosis: Other nonspecific abnormal finding of lung fi. Cardiomegaly.

10/21/2016 Kristy L Jones, MD

He was just admitted to Northwest for 5 days last week due to Afib with RVR. He has stopped all of his medications. Multiple chronic medical conditions. He has not had a PCP in quite some time. He was just hospitalized last week and had multiple medication changes during that stay.

08/25/2016 Okeyo Oghina, NP

Discharge summary: Admitted Date: 08/20/2016. His symptoms were noted to be associated with the gastritis and duodenitis.

08/20/2016 Bhargav Varadaraju, M.D.

Chief Complaint: Nausea, vomiting and diarrhea. Will be admitted

06/04/2015 James Baker, DO

2 month follow up

03/24/2015 James Baker, DO

Patient here for follow up of arthritis, fatigue, hyperlipidemia. chronic progressive renal failure.

3/12/2015 Ragina Sharma, MD

02/03/2015 James Baker, DO

Medication adjustment

12/23/2014 James Baker, M.D.

Infectious Disease follow up: MRSA in nasal area

12/15/2014 Shirin Desilva

Date of interview-based METs test: 12/15/2014. This METs level has been found to be consistent with activities such as light yard work (weeding), mowing lawn (power mower), brisk walking (4 mph). Does the Veteran's heart condition(s) impact his or her ability to work? Yes. The veteran had previously been able to work as a truck driver, but has not been able to do so due to his inability at present to pass a DOT fitness exam due to his cardiac arrhythmia and his abdominal surgeries which limit heavy lifting.

Does the Veteran's intestinal condition impact his or her ability to work? Yes. It precludes heavy lifting, keeping him from driving commercially. Do any of the Veteran's intestinal surgery residuals impact his or her ability to work? Yes. He is unable to engage in a job requiring heavy

lifting. The veteran has been diagnosed with cardiomyopathy and AF. Both conditions were diagnosed well after service, and are most likely due to a combination of his known hypothyroidism, hypertension, and hyperlipidemia with long history of tobacco usage.

12/12/2014 Patrick L Guthrie, M.D.
Focal skin infection

11/12/2014 Ryan Hueter, DO James Baker, DO
He has had shortness of breath secondary to heart failure from complication from small bowel obstruction surgery

10/02/2014 James Baker, DO

07/07/2014 James Baker, DO
Follow-up Visit for Coronary Artery Disease

6/10/2014 Sudesh K Sharma, RN
Dr Sharma pt like to have handicapped sticker; pt states cannot walk to far and I get sob.
Mailed completed handicap form back to patient.

06/02/2014 James Cooper, DO
He has chronic edema, and chronic dyspnea on exertion walking approximately 100 feet.

05/02/2014 Ragini Sharma, M.D.
Patient was hospitalized for a fib and started on warfarin states taking 2/5 mg po qd inr is subtherapeutic. States he is feeling well no concerns otherwise. Coming in for Holter on 5.8 removed on 5.9

04/23/2014 William McNair, M.D.
Wound Care Follow Up Visit

04/18/2014 Robert Sanders, MD
Discharge Summary. Date of admission: 4/15/2014. Date of discharge: 4/18/2014. The patient is a 59-year-old man admitted through the Cardiology clinic to initiate therapy for atrial fibrillation. He has history of atrial fibrillation and previous history of syncope. He does have some dyspnea on exertion. He has a history of small bowel obstruction followed by wound dehiscence, and wound infection, and he has had persistent problems with his wound since that time. He was admitted for treatment of his atrial fibrillation.

04/16/2014 William McNair, MD

4/15/2014 Rebecca O'Connell
Atrial flutter

04/15/2014 Robert Sanders, M.D.

Plan: Admit to step-down bed while adjusting his medications.

4/12/2014 Robert Redd, MD

Residual Functional Capacity

Occasionally: lift and/or carry 10 pounds. Climbing Ramps/ Stairs. Climbing ladders/ ropes/ scaffolds. Balancing. Steeping. Kneeling. Crouching. Crawling.

Frequently lift and/or carry less than 10 pounds

Stand and/or walk: 2 hours

Sit: About 6 hours in an 8-hour workday.

03/07/2014 Ragini Sharma, M.D.

Here today stating he continues to have diarrhea and abdominal gurgling since his last bowel obstruction surgery 3 months ago.

02/28/2014 James Cooper, DO

He has chronic edema. He walks with a cane. He develops dyspnea on exertion walking less than 100 feet.

2/25/2014 Ragini Sharma, M.D. Medical Source Statement

Diagnosis: Open wound, intestinal adhesion with obstruction.

While engaging in occasional standing/walking must your patient use a cane or other assistive device? Yes.

Please indicate how long your patient can sit and stand/walk total in an 8-hour working day (with normal breaks). Stand/walk: 0-2. Sit: 0-2.

Does your patient need a job that permits shifting position at will from sitting/ standing or walking? Yes

How many pounds can your patient lift and carry in a competitive work situation? Less than 10 lbs occasionally

How often can your patient perform the following activities?

Rarely: Twist, Stoop (bend) Crouch/ squat, Climb Ladders, Climb Stairs

Does your patient have significant limitations with reaching, handling or fingering? No. Please indicate the percentage of time during an 8-hour working day that your patient can use hands/fingers/arms for the following activity: Unlimited.

How often during a typical workday is your patient's experience of pain or other symptoms severe enough to interfere with attention and concentration needed to perform even simple work tasks? Constantly

To what degree can your patient tolerate work stress? Capable of low stress jobs

Please indicate, on the average, how many days per month your patient is likely to be absent from work as a result of the impairments? About one day per month.

02/10/2014 Sharon Wells, APN Jerry Kelley, MD

Patient followed for open abdomen wounds since December 3rd.

01/03/2014 Sara Reeves, M.D.

01/02/2014 William McNair, MD

Surgery Follow Up Visit

12/30/2013 Tom Maddock, MD

Office Visit for SOB: Subjective: Patient presents with walker, SOB with exertion, color tan, pitting edema and abdomen tight with abdomen binder on.

12/28/2013 Richard Vines, MD

Patient presented to ER with concerns about his incision and sutures.

12/26/2013 William McNair, MD

Surgery Follow Up Visit

12/23/2013 Ronald J Mullins, MD

Discharge Summary. Date of admission: 12/19/2013. Date of discharge: 12/23/2013. Underwent an exploratory laparotomy on 12/03/2013. He was subsequently taken back to the Operating Room for dehiscence on 12/03/2013 and then transferred to Washington Regional due to his renal failure. The patient returned to our facility on the 19th for further convalescence postop.

12/19/2013 Ronald J Mullins, MD

Discharge Summary. Date of admission: 12/5/2013. Date of discharge: 12/19/2013. This patient is a 59-year-old white male that had recently undergone surgery at the Fayetteville VA included a laparotomy for small-bowel obstruction. He had problems with fascial dehiscence.

Subsequently, he developed a renal and respiratory insufficiency. Because of his acuity of his conditions, he was transferred to Washington Regional for ongoing evaluation and management. He was transferred to the ICU, had consultation with the renal service and Pulmonary/ Critical Care service. The overall condition did begin to slowly improve and renal condition improved. He became stable, but remained weak and needed further care. Therefore, he was transferred back to the Fayetteville VA on 12/19/2013 for ongoing management and continued evaluation and management.

12/05/2013 Edward Jackson, MD

Impression: 1. Multiorgan failure, including respiratory, cardiovascular, renal and liver. 2. Recent small bowel obstruction with resection and reoperation due to dehiscence. 3. Shock, likely septic.

12/05/2013 Ronald Mullis, M.D.

History and Physical Reports. Chief Complaint: The patient has renal and respiratory failure. The patient is a 59-year-old white male who is now transferred from the Fayetteville VA to Washington Regional for ongoing evaluation and management. The patient has had recent laparotomy x2 at the Fayetteville VA related to small-bowel obstruction and fascial dehiscence. The patient has now developed worsening renal insufficiency, respiratory insufficiency, and is transferred at this time for critical care management. Plan: Admission to ICU. Consultation with the critical care service. Renal consultation. IV fluids. IV antibiotics. IV pain control. This patient may require dialysis, depending upon ongoing renal function.

12/4/2013 William McNair, MD

Discharge Summary. Date of admission: 12/03/2014. Date of discharge: 12/04/2013. Patient with a 5-day history of nausea, vomiting, and abdominal distention. He came in to our Emergency Room. A CAT scan showed a small bowel obstruction with high grade versus complete mid jejunum in an area of previous surgery. Small bowel pneumatosis with adjacent extraluminal mesenteric gas concerning for a necrotic bowel.

12/03/2013 Ronald Mullis, MD William McNair, M.D.

Operation Report: Opening of recent laparotomy with enterotomy repair x2 and fascial closures using retention sutures

12/03/2013 Ronald Mullis, MD

4-day history of abdominal pain, abdominal distention, nausea, vomiting, diarrhea. Because of ongoing nature of this, the moderate to severe nature of it, he presented to the Urgent Care area of the Fayetteville VA earlier today. He was evaluated there with a CT scan which showed evidence of a small bowel obstruction as well as possible pneumonosis intestinalis suggesting a possibility of ischemic bowel. The patient has been admitted at this time to the Intensive Care Unit for ongoing evaluation and management. Plan: I think patient needs a laparotomy based on his clinical and image findings.

12/03/2013 Atif Qureshi, MD

Emergency Room Visit for Abdomen pain

The following prior medical records were reviewed:

11/12/2013 Gislaine E Tsemo, MD Ragini Sharma, M.D.

59 y old male admitted to hospital after syncopal episode. Syncope happened after coughing, and patient loss consciousness for few seconds.

11/10/2013 Patrick L Guthrie, M.D.

Syncope. Will admit on Telemetry

11/1/2013 Kelli Shaorn, OD

Pt. states he had an eye exam a few months ago he states he is really here to get skin tags off of eyes.

10/12/2012 Ragina L Sharma

9/30/2013 Atif M Qureshi, MD

Pt states that he was standing today and his left knee buckled under him. he grabbed the rail and felt pain. pt is aox3. no resp. distress. skin p/w/d. no other complaints. ambulates to w/c with a limp

8/26/2013 Sudesh K Sharma, RN

xray knees: degeneration with mild effusion otherwise negative

4/23/2012 Alex Santiago, DO

Hypothyroidism. c/o lower extreme swelling. better in am but progress as day goes on. States currently works as a truck driver. s/p recto rectus repair.

2/27/2012 Sharon Wells, APN

S/p rectus repair on 1/31/12. Surgery site healing well. Pt cleared for work. RTC prn

2/6/2012 Jeffrey Kellar, MD

Discharge Summary. Date of admission: 1/31/2012. Date of discharge: 2/6/2012. Incarcerated recurrent incisional hernia, peritoneal adhesions, small bowel obstruction, hydrocele, status post retro rectus repair. On 01/31/2012 the patient had a repair of an incarcerated right inguinal hernia, recurrent; small bowel obstruction and lysis of adhesions and hydrocelectomy.

12/26/2011 Michael Meyer, MD

Emergency Room Visit for Ventral Hernia

7/29/2011 Issam T Shalhoub, MD

The patient returns or followup on the left hydrocele. He had aspiration of the left hydrocele in January 11. There is a recurrent large left hydrocele.

6/20/2011 Issam T Shalhoub, MD

The patient returns or followup on the left hydrocele.

6/13/2011 Alex Santiago, DO

F/u on recent admit for n, v and abd pain. poss related to chlorthalidone. Works construction, in sun all day long

6/6/2011 Suguna Madaiah, MD

Discharge Summary. Date of admission: 6/4/2011. Date of discharge: 6/6/2011. Nausea, vomiting and abdominal pain, probably secondary to gastroenteritis, resolved. History of partial colectomy. History of incarcerated incisional ventral hernia, Status-post retro rectus repair.

6/4/2011 Jon S Keller, PA-C

Gastroenteritis, HTN, Obesity, Renal Insuff. Admit to VAMC

3/30/2011 Banford Mitchell, MD

Left knee pain. I think if the patient is going to continue being a construction worker at 56 years of age, he is going to have to lose weight. I have offered him a brace today. He does not want one. We have talked about injection therapy but he does not really want to go there either at this time, so if he worsens and wishes to consider injection therapy.

1/21/2011 Judy Lynn Justus-Nelson, APN

This is a 56-year-old man who is referred for left knee pain. Approximately 3+ months ago, while working on siding, he fell off scaffolding approximately 3 stories. He had immediate pain and swelling in the knee. He also sustained a fracture of his wrist during that fall, which had been attended to. His knee, however, has not improved and over the time he has continued to have

pain, swelling, and sense of instability. He is stating that it is getting hard even to walk short distances, but he is continuing to work and must be up on his legs all day.

1/7/2011 Issam Shalhoub
Left hydrocele aspiration.

10/19/2010 William McNair, MD Sidney Beasley, APN
Discharge Summary. Date of admission: 10/14/2010. Date of discharge: 10/19/2010. Admission Diagnosis: Incarcerated incisional ventral hernia and morbid obesity. He is to avoid driving for one week.

10/15/2010 Amy M. Tucker, LCSW
Vet is a 55 yr. old, NSC, married male who was admitted to VHSD d/t Incisional Ventral Hernia. Vet is independent with his ADL care. He is not in need of HH care services at this time.

9/27/2010 Gregory Ehrler
Patient ambulates without assistance. c/o of slight discomfort to left knee, main complaint is pain to left buttocks due to contusion from fall which he describes as muscular. Mild degenerative changes and chondrocalcinosis. Full weight bearing as tolerated. F/u as scheduled for wrist. Fracture of unspecified part of radius. Assessment: 1. Left distal radial fracture, comminuted. 2. Contusions, knee pain.

9/24/2010 Wayne A Hudec, MD
The patient is a 55-year-old white male who underwent a sigmoid colectomy by Dr. Kellar on August 21, 2007, for an unresectable polyp. Plan: Proceed to the Operating Room for a recto-rectus repair of an incarcerated incisional ventral hernia with Marlex mesh and any indicated procedures.

9/21/2010 Atif Qureshi
He fell off a scaffolding about 15 feet high. Landed on a hard surface mainly on his trunk. No LOC or immediate confusion. Able to ambulate without much difficulty. He is not on any blood thinner medications. Intra-articular comminuted minimally displaced fracture of left distal radius.

9/10/2010 Wayne Hudec
Hernia, Ventral

1/7/2010 Peter Tang
Closed fracture of triquetral (cuneiform) bone of wrist. The patient is a 55-year-old right hand dominant gentleman who works in construction, fell on an outstretched right arm on 01/03/2010. The patient was just walking and slipped on the ice. He fell with his arm behind his back.

7/10/2009 Alex Santiago, DO
Spermatocele

10/7/2008 Alex Santiago, DO
Umbilical hernia without mention of obstruction or gangrene

09/04/2007 Jeffrey Kellar, MD

Benign neoplasm of the colon. Partial colectomy on August 21, 2007.

8/30/2007 John Ashcraft, APN

Follow up appt s/p partial colectomy done on by Dr. Kellar. staples removed, steristrips placed. continue physical activity restrictions for another 3 weeks.

8/26/2007 John Ashcraft, APN

Discharge Note. Date of Admission: Aug 20, 2007. Date of discharge: Aug 26, 2007.

Restrictions (specify):no lifting or straining for the next month. use abdominal binder when up and about

08/26/2007 Jeffrey Kellar, MD

Discharge Summary:

Admission Date: 08/20/2007

Admitting Diagnosis: Benign neoplasm of colon

Operative Procedure: Partial colectomy on 08/21/2007

8/21/2007 J. Keller, MD.

Operation Report. 1. Sigmoid colectomy. 2. Mobilization of the splenic flexure

05/29/2007 Jeffrey Kellar, MD

Recommendation is for partial colectomy.

5/10/2007 Dr. Jonathan Parker

Operation Report. Esophagogastroduodenoscopy. Colonoscopy with polypectomy and biopsy of colon mass.

3/28/2007 Alex Santiago, DO

Colonic Polyps

11/10/2005 Phil Harrison

Colonoscopy

8/24/2005 Lawrence Martinek

Rectal Bleeding

8/27/2004 Alex Santiago, DO

Hyperlipidemia

7/1/2003 Alex Santiago, DO

Arthralgia. Pain in joint

11/19/2002 Shirin Desilva

Morbid obesity. Tobacco dependence in remission. smoking 1-1.5 ppd for a total o ~40pkys

8/15/2002 Jon Keller
Fracture of olecranon process of ulna, closed

11/19/2002 Kent Enderle
Gastric ulcer, unspecified as acute or chronic, without mention of hemorrhage

The following additional records were reviewed:

5/6/2016 Medical Certificate Disqualify.
Your required medical certification card expired on March 5, 2013 and your commercial driver's license (CDL) has been downgraded. Downgraded status means your commercial driving privileged are now noncommercial driving privileges only.

4/22/2014 Rita P. Dokes- Social Security Administration
The claimant cannot return to past work as she/he describes it or as it is customarily performed in the national economy. There are no transferable skills. This meets Vocational Rule 201.06, which directs a finding of disabled. The vocational outlook is unfavorable.

Case Analysis. Medically Determinable Impairments and Severity (MDI)
Impairment Diagnosis: Other Disorder of Gastrointestinal System, Primary. Recurrent Arrhythmias, Secondary. Osteoarthritis and Allied Disorders, Other.

Disability Determination Explanation
Alleged onset date: 11/30/2013

1/8/2014 Driver Termination Form.
Hire Date: 12/10/2012. Last Day Worked: 11/29/2013. Term Date: 12-13-13. Voluntary Quit Truck at Terminal. Reason: Medical Issues, Driver.

02/24/2013- 11/30/2013 GLS Transportation Weekly Payroll Time Sheets,
Hourly Rate \$13.50

12/09/2012- 02/23/2013 GLS Transportation Weekly Payroll Time Sheets,
Hourly Rate \$12.00

12/5/2012 Form I-9, Employment Eligibility Verification

2013 1040- US Ind Tax Return, Wages \$33,833. Occupation: Truck driver
2013 Arkansas Ind Tax Return. Total Income \$33,833.
2013 W-2 GLS Transportation, Inc, Wages \$31,898.69

2012 1040- US Ind Tax Return, Wages \$15,435. Occupation: Truck driver
2012 Arkansas Ind Tax Return. Total Income \$15,435.
2012 W-2 GLS Transportation, Inc, Wages \$1,095.00

2011 1040- US Ind Tax Return, Total Income \$17,827. Occupation: Construction. Gross Income: \$34,809

2011 Arkansas Ind Tax Return. Total Income \$17,827.

2010 1040- US Ind Tax Return, Total Income \$27,069. Occupation: Construction. Gross Income: \$53,118

2010 Arkansas Ind Tax Return. Total Income \$27,069.00.

DEFINITIONS OF D.O.T. STRENGTH CATEGORIES

Sedentary: Exerting up to 10 pounds of force occasionally (Occasionally: activity of condition exists up to 1/3 of the time) and/or a negligible amount of force frequently (Frequently: activity or condition exists from 1/3 to 2/3 of the time) to lift, carry, push, pull or otherwise move objects, including the human body. Sedentary work involves sitting most of the time, but may involve walking or standing for brief periods of time. Jobs are sedentary if walking and standing are required only occasionally and all other sedentary criteria are met.

Light: Exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly (Constantly: activity or condition exists 2/3 or more of the time) to move objects. Physical demand requirements are in excess of those for Sedentary Work. Even though the weight lifted may be only a negligible amount, a job should be rated Light Work: (1) when it requires walking or standing to a significant degree; or (2) when it requires sitting most of the time but entails pushing and/or pulling of arm or leg controls; and/or (3) when the job requires working at a production rate pace entailing the constant pushing and/or pulling of materials even though the weight of those materials is negligible. NOTE: The contact stress and strain of maintaining a production rate pace, especially in an industrial setting, can be and is physically demanding of a worker even though the amount of force exerted is negligible.

Medium: Exerting 20 to 50 pounds of force occasionally, and/or 25 to 50 pounds of force frequently, and/or 10 to 20 pounds of force constantly to move objects. Physical Demand requirements are in excess of those for Medium Work.

Heavy: Exerting 50 to 100 pounds for force occasionally, and/or 25 to 50 pounds of force frequently, and/or 10 to 20 pounds of force constantly to move objects. Physical Demand requirements are in excess of those for Medium Work.

Very Heavy: Exerting in excess of 100 pounds of force occasionally, and/or in excess of 50 pounds of force frequently, and/or in excess of 20 pounds of force constantly to move objects. Physical Demand requirements are in excess of those for Heavy Work.

Farnsworth, K., Field, J., Field, T. et al (2005). The Quick Desk Reference for Forensic Rehabilitation Consultants. Athens, GA: Elliott & Fitzpatrick.

U.S. Department of Labor (1991) Dictionary of Occupational Titles 4th Edition Vol I & II, U.S. Employment Service.

Ethics Statement: In forensic practice, Owen Vocational Services abides by the Code for Professional Ethics for Rehabilitation Counselors from the Commission on Rehabilitation Counselor Certification (CRCC) and the Forensic Section of the International Association of Rehabilitation Professionals Code of Ethics. Should there be a discrepancy between the Codes, the provisions of the CRCC code predominate. The Codes provide for giving unbiased, objective opinions in the evaluation of the evaluatee. According to ratification of a definition by CRCC and IARP, there is no client in forensics because the term applies to a client-counselor relationship in primary care. The person who is the subject of the evaluation is the evaluatee, the person who referred the case is the referral source and the person paying the bill is the payer. The evaluator's responsibility is to provide an independent assessment of the person being evaluated. A clinical interview with the evaluatee is requested in cases where forensic rehabilitation expert opinion is retained versus forensic rehabilitation consultation where there is no expectation of the provision of testimony.

This information has been reviewed with the subject of this evaluation and verbal consent to proceed was provided.

Testimony and Deposition List for Tanya Rutherford Owen 2013-2017

2017

Deposition in the matter of William Scott graves vs. Coca-Cola Refreshments USA, Inc. and Ronnie Wade, Agent and employee of Coca-Cola Refreshments USA, John Does 1-4. In the Circuit Court of Pulaski County, Arkansas 12th Division. No. 60CV-15-5997.

Deposition in the matter of Matthew Bates vs. SWN Production (Arkansas), LLC. In the United States District Court Eastern District of Arkansas Western Division. Case No: 4:15-CV-598-KGB.

Deposition in the matter of Tara Edwards, as next friend for Rex Hicks, a minor child vs. Gateway Emergency Physicians, LLP, Chad Boulware, D.O. and Kathryn Cornelius, M.D. In the Circuit Court of McDonald County, State of Missouri. Cause No. 14NW-CV02169-01.

Deposition in the matter of Vicky Turner vs. Donald Pease. In the Circuit Court of Madison County, Arkansas Civil Division V. Case No. 44CV-16-82-5.

Deposition (2) in the matter of Laeyton Holloway, Ehetenesh Ashine and Jeron Holloway vs. Conway Regional Health system, Continental Casualty Company, Conway Regional Health system, Carole Jackson, M.D. and Conway ob-gyn clinic. In the Circuit Court of Faulkner County, Arkansas, 5th Division, Case No. 23-CV-13-973.

Deposition in the matter of Nathan Hoggard and Jerry Williams vs. Arabi Cattle Company, LLC et.al. United States District Court, Eastern District of Arkansas, Jonesboro Division No 3:15-cv-00323 JM and 3:16 cv 0075 JM.

Deposition in the matter of Karen Elder vs. Dollar General Corporation, Dolgencorp, LLC D/B/A Dollar General, Miners Village C-Stop, Caddo Trading Co., Inc., Rodney Fagan and Judy Fagan. In the Circuit Court of Montgomery County, Arkansas Civil Division. No. CV-2013-30.

Testimony in the matter of Alexandria Sims vs. State farm Automobile Insurance Company. In the United States District Court Eastern District of Arkansas Western Division, No. 4:13CV00371JLH.

2016

Testimony in the matter of Althea Conley vs. Samuel Conley. In the Circuit Court of Union County, Arkansas Domestic Relations Division. No 70DR-15-503-2.

Deposition in the matter of Tannyia Crase vs. Wal-Mart Stores, Inc. In the District Court of Pittsburg County Oklahoma. Case No CJ-2015-141.

Deposition in the matter Clifton Morgan and Phyllis Morgan vs. City Water and Light Plant of the City of Jonesboro, Arkansas; Liberty Mutual Fire Insurance, Arkansas Glass Container Corporation, and John Does 1-3. In the Circuit Court of Craighead County, Arkansas Case No. CV 2014-521 (DL).

Deposition in the matter of Augustin Beaudrie, a minor by and through his natural parents and legal guardians, Sara Beaudrie and Alan Beaudrie vs. Northwest Hospital, LLC, a Delaware LLC doing

business in Arizona as Northwest Medical Center; Catherine Westerband, MD, an Arizona resident; Catherine Westerband, MD, PC, an Arizona professional corporation; Shelley B. McGrew, RN an Arizona resident; Community Health Systems Professional Services Corporation, a Delaware corporation doing business in Arizona, Community Health Systems, a Delaware corporation doing business in Arizona.

Deposition in the matter of Frederick K. Holst v. Sendil Kumar Hari Prasad, M.D. In the Circuit Court of Faulkner County, Arkansas Second Division. No. 23CV-14-254.

Deposition in the matter of Michael Kattula vs. Jaeger Sports Academy, Inc., SML Industries, Ind. d/b/a Primeline Industries; and PAKJ, LLC d/b/a Primeline Industries USDC. Eastern District of Arkansas, C.A., no.4:15cv96-JM.

Deposition in the matter of Danny Seaton vs. James P. Dunne, Jr. MD and Summer Regenold Collum, MD. In the Court of Mississippi County, Osceola Division. No CV-2014-86 (BH).

Deposition in the matter of Sheena Dorman et al vs Anne Arundel Medical Center et al. In the United States Court of the District of Maryland Northern Division. Civil Action Civil Action No MJG-15-1102.

Deposition in the matter of William Girlinghouse and Toni Girlinghouse v. Capella Healthcare, Inc., NPMC Holdings, LLC, Hot springs National Park Hospital Holdings, LLC d/b/a/ National Park Medical Center. U.S. District Court, Western District of Arkansas No. 6:15-DV-06008-RTD.

Deposition in the matter of First National Bank of Crossett as Guardian of the Estate of William Spradlin and Christie Kelley, individually vs. Habilitation Center, Inc. d/b/a Millcreek of Arkansas, Darrell J. McWilliams, Eric J. Strong and John Doe, Habilitation Center, Inc. d/b/a Millcreek of Arkansas vs. Michael Payne and Dallas County Medical Center. In the Circuit Court of Ashley County, Arkansas Civil Division. CV 2014-188-4.

Testimony in the matter of Tracy Dail and Michael Dail vs. Dr. Andrew Cole. In the Circuit Court of Faulkner County, Arkansas. CV 2010 729.

Deposition in the matter of Alisha Mitchell vs. Chad Brekelbaum. In the Circuit Court of Benton County, Arkansas. CV 14 1168 1

Testimony in the matter of Brandy Allen as mother and next friend of Isabella Allen Rodriguez vs. Scott Smith, Lesley Green, Northwest Arkansas Hospitals, LLC d/b/a Northwest Medical Center Bentonville & John Doe Insurance company. In the Circuit Court of Benton County, CV 13-1798-6.

Deposition in the matter of Tina and Ken Carlton vs. Oman Dement, MD and Freeman Health Systems. In the Circuit Court of Jasper County, Missouri. Case No. 14AO-CC00255.

Deposition in the matter of Anna Hoaglin as power of attorney for Mikaela Hoaglin vs. Cox Health, Lester Cox Medical Center, Springfield Neurological & Spine Institute, Douglas Ham, DO, Edwin Cunningham, MD and Suzanne Devol, RN. In the Circuit Court of Greene County, Missouri, Case No 1531-CC00121.

Deposition in the matter of Laeyton Holloway, Ehetenesh Ashine and Jeron Holloway vs. Conway Regional Health system, Continental Casualty Company, Conway Regional Health system, Carole Jackson, M.D. and Conway ob-gyn clinic. In the Circuit Court of Faulkner County, Arkansas, 5th Division, Case No. 23-CV-13-973.

Testimony in the matter of Virginia Ray & Jeff Ray vs Allen Weston, M. D., and Freeman Health Systems. In the Circuit Court of Jasper County, Missouri at Joplin Case No. 14AO-CC00207.

Deposition in the matter of Lee Patrick Ward and Lynn Ann Ward vs. Seth Michael Barnes, MD, White River Diagnostic Clinic, PLC, John Sydney Lambert, MD, White River Surgery Clinic, White River Health System, Inc., a/k/a White River Medical Center, White River Emergency Physician, White River Hospitalist, Morgan Earl Norton, MD, Joseph Allen Cook, MD, Tommy ford, as a personal representative of the estate of Robert Paul Fox, II, MD, deceased, Continental Casualty Company, John Doe 2, John Doe 3, and John Doe 4. In the Circuit Court of Independence County, Arkansas Civil Division. Case No. CV-11-202-2.

2015

Deposition in the matter of Ronald Matney & Karen Matney vs. Chanel, Inc. and Renee Buchholtz. In the Circuit Court of Pulaski County, Arkansas. No. 60CV-15-1727

Testimony in the matter of Chuck A. Wehmeyer vs. Centralia Farm LLC, Erv Yoder's Carpentry, Etc. Robert Duff, KAS Rental, Inc., Caterpillar, Inc., Spring Willows farm, LLC, Hull Trust. In the Circuit Court Twentieth Judicial Circuit St. Clair County, Illinois. No. 13-L-511.

Testimony in the matter of Laurel Phillips vs. Rogers School District and ASBA Workers' Compensation. Before the Arkansas Workers' Compensation commission WCC No. G300467.

Deposition in the matter of Virginia Ray & Jeff Ray vs Allen Weston, M. D., and Freeman Health Systems. In the Circuit Court of Jasper County, Missouri at Joplin Case No. 14AO-CC00207.

Testimony in the matter of Christina Helms vs Bradley Woelber and Hattabaugh Trucking, Inc.
Deposition in the matter of Christina Helms vs. Bradley Woelber and Hattabaugh Trucking, Inc. In the Circuit Court of Sebastian County, Arkansas Greenwood District Civil Division VI. No.CIV-20143G.

Deposition in the matter of Chuck A. Wehmeyer vs. Centralia Farm LLC, Erv Yoder's Carpentry, Etc. Robert Duff, KAS Rental, Inc., Caterpillar, Inc., Spring Willows farm, LLC, Hull Trust. In the Circuit Court Twentieth Judicial Circuit St. Clair County, Illinois. No. 13-L-511.

Testimony in the matter of Catherine Dew and Steven Dew vs. The United States of America.
Deposition in the matter of Catherine Dew and Steven Dew vs. The United States of America. In the U.S. District Court for the Eastern District of Arkansas Northern Division. Case No. 1:14cv1JLH

Deposition in the matter of Gina Maize vs. Ladd Richter et al. Case No CV-2012-14-3, Boone County Circuit Court, State of Arkansas.

Deposition in the matter Elizabeth Johnson vs. Berryville School district and ASBA Workers' Compensation Trust. WCC No. G008831.

Deposition in the matter of Roalva Mejia and Rodrigo Terrazas as next friends for Andres Terrazas-Mejia. In the Circuit Court of Jackson County, Missouri at Kansas City, Missouri. Case No 1316-CV03836.

Testimony in the matter of Amanda Chavers as attorney in fact for William Scott Mueller and William Scott Mueller, individually vs. Baptist Health d/b/a Baptist Medical Center- Little Rock; Regions Financial Corporation as Trustee of the Trust Agreement for the Baptist Health Professional and General Liability Self Insurance Program; Continental Casualty Company; Arch Insurance Company; Admiral Indemnity Company and Nazer Qureshi, MD. In the Circuit Court of Pulaski County, Arkansas Civil Division No. 60CV-14-1270.

Deposition in the matter of Joshua Anderson and Julie Anderson vs. Jeremy Boykin. In the Circuit Court of Jasper County, Missouri at Joplin. Case no 13Ao-CC00268.

Deposition in the matter of John "Michael" Goolsby and Cheryl Leigh Southward, Ph.D. vs. Headwaters Trucking, Inc. and Donald F. Birk, Jr. In the Circuit Court of Washington County, Arkansas. Case No. CV14-918-6.

Deposition in the matter of Nicole Hinson individually and as next friend of Cayden Hinson, a minor, and Cameron Hinson vs. Wal-Mart Stores, Inc., a Delaware Corporation. In the United States District Court, Eastern District of Texas Marshall Division Civil Action N0 2:14-CV-295-JRG-R.

Trial testimony in the matter of Rachael Bergren and Erik Major Bergren vs. Matthew Torres and Caprius Enterprises, Inc. d/b/a Alcoa Family Chiropractic and Wellness and d/b/a Geyer Springs Chiropractic Center CIV No. 63CV-14-111-2.

Deposition in the matter of Carla Lewis by and through her guardian Katherine Davis vs. Old Dominion Freight Line, Inc. and Melvin Howze. In the United States District Court Eastern District of Arkansas Western Division No 4:13CV0589-DPM

Deposition in the matter of Rachael Bergren and Erik Major Bergren vs. Matthew Torres and Caprius Enterprises, Inc. d/b/a Alcoa Family Chiropractic and Wellness and d/b/a Geyer Springs Chiropractic Center CIV No. 63CV-14-111-2.

Deposition in the matter of Matthew Cravey vs. Gary Youree. In the Circuit Court of Benton County, Civil Division No. CV-2013-365-5.

Deposition in the matter of Lois Driver et al vs. D. Mosley Trucking Inc. et al. In the District Court for the Western District of Arkansas Texarkana Division, no. 4:13-CV-4074-SOH.

Deposition in the matter of Alexandria Sims vs. State farm Automobile Insurance Company. In the United States District Court Eastern District of Arkansas Western Division, No. 4:13CV00371JLH.

2014

Deposition in the matter of Amanda Chavers as attorney in fact for William Scott Mueller and William Scott Mueller, individually vs. Baptist Health d/b/a Baptist Medical Center- Little Rock; Regions

Financial Corporation as Trustee of the Trust Agreement for the Baptist Health Professional and General Liability Self Insurance Program; Continental Casualty Company; Arch Insurance Company; Admiral Indemnity Company and Nazer Qureshi, MD. In the Circuit Court of Pulaski County, Arkansas Civil Division No. 60CV-14-1270.

Deposition in the matter of Tracy Dail and Michael Dail vs. Dr. Andrew Cole. In the circuit Court of Faulkner county, Arkansas. Case No CV 2010-729

Testimony in the matter of Teodora Terlea vs. Cezar Terlea. In the Circuit Court of Pulaski County, Sixteenth Division. Case No 60DR-14-197.

Deposition in the matter of EEOC vs. Randall Ford, Inc, Doyle Martin, Intervenor. In the United States District Court Western District of Arkansas fort Smith Division. No. 2: 13-DV-02206

Deposition in the matter of Jamie L. Risner vs. Devilbiss Air Power Company, Inc. d/b/a Dewalt Industrial Tool Company and Sam's West, Inc. Circuit Court of Greene County Case No. 28CV-2013-202 PH

Deposition in the matter of Philip Roberts v. Ed Dell Wortz; Sebastian County Circuit Case No. CV-2009-2244 (V)

Deposition in the matter of Rebekah Cummings vs. New Hampshire Insurance Company in the Circuit Court of Pulaski County No. 60CV-13-3754.

Testimony in the matter of Christopher Buckingham v. Jennyfer L. Ramos and Sherry Ramos in the circuit Court of Baxter County, Arkansas No. CIV 2011-235-3

Testimony in the matter of Phyllis Jones vs. Wayne L. Bruffett, Arkansas Specialty Care Centers, P.A. d/b/a Arkansas Specialty Orthopaedics, Dr. Brad Thomas and Little Rock Neurosurgery Clinic, P.A. and John Does 1-3. Pulaski County Circuit Court No. 60CV-2012-1521

Deposition in the matter of Wayman Bryant vs. Dalton Lee Anderson. Circuit Court of Jasper County, Missouri. Case No 13AO-CC0135

Deposition in the matter of Kenny Deisher vs Hoar Construction, LLC. Circuit Court of Craighead County, Arkansas Civil Division Western District No. CV 2013-419.

Deposition in the matter of Gary Kevin Hoover vs. Raju Patil, MD, Keith Schluterman, MD and Stephen Hudgson, MD, Faulkner County Circuit Court No. 23CV-11-986-2.

Deposition in the matter of Elizabeth Shanahan vs. Baptist Health et al. Pulaski County Circuit Court, Sixth Division, Case No. CV 2008-2480-6

Testimony in the matter of David R. Robins v. Rebecca Mae Robins, Sebastian County Circuit Court, Domestic Relations Division, Greenwood District Case No DR 13-233 G (III)

Deposition in the matter of Nancy Leaks, as Guardian and next of kin to Garrett Henderson b. John Alexander, Jr. MD; Columbia County Circuit No. CV09-163-6th

Deposition in the matter of Carol Pratt and Billy Pratt vs. Akins Janitorial Services, Inc. Pulaski County Circuit Court Case No. 60CV-13-3485

Testimony in the matter of Kelly Ammons vs. Spencer Guinn, MD. In the Circuit Court of Craighead County, Jonesboro District, Western Division. Case No. CV-2013-197 (PH)

Deposition in the matter of Kelly Ammons vs. Spencer Guinn, MD. In the Circuit Court of Craighead County, Jonesboro District, Western Division. Case No. CV-2013-197 (PH)

Deposition in the matter of Knox Ellis, Tiffany Ellis and Joe Ellis vs. Conway Regional Health System; Continental Casualty Company, Jeff Craig, MD, Central Arkansas Pediatrics, Adam Harrell, MD, Amy Hudson, MD and Pathology Laboratories of Arkansas. Circuit Court of Faulkner County, Arkansas No. 23CV-12-956-1

Deposition in the matter of Zachary Salberg and Kimberly Bolerjack vs. Youth Bridge, Inc. and Herbert Wain Lindley, M.D. and Philadelphia Insurance Companies. Circuit Court of Washington County No. CV2013-329-6

Deposition in the matter of Matthew Maze and Tracy Berzley vs. Youth Bridge, Inc. and Herbert Wain Lindley, M.D. and Philadelphia Insurance Companies. Circuit Court of Washington County No. CV2013-328-7

Deposition in the matter of Renee Brasher and Jack Brasher vs. James Michael Calhoun, MD, J. Michael Calhoun, MD, PA, Arkansas Surgical Hospital LLC, Central Arkansas Neurosurgery Clinic, Numan LLC d/b/a Monitoring Concepts LLC, Monitoring Concepts, LLC and Megan Mary Stephens. Circuit Court of Pulaski County No. 60CV-12-5572-6.

Deposition in the matter of Phyllis Jones vs. Wayne L. Bruffett, Arkansas Specialty Care Centers, P.A. d/b/a Arkansas Specialty Orthopaedics, Dr. Brad Thomas and Little Rock Neurosurgery Clinic, P.A. and John Does 1-3. Pulaski County Circuit Court No. 60CV-2012-1521

Deposition in the matter of David M. Riffey and Beren Riffey vs. CRST Expedited Inc. f/k/a CRST Van Expedited Inc.; Mario Acevedo Becerra and John Does 1 & 2 USDC No. 3:12CV294

Deposition in the matter of Nancy Leaks, as Guardian and next of kin to Garrett Henderson b. John Alexander, Jr. MD; Columbia County Circuit No. CV09-163-6th

2013

Deposition in the matter of Daniela Salamo vs. Alan Benton and Leanne Benton; Good Day Properties, LLC, and Dewey Christopher Quier. Tulsa County District Court, No. CJ-2012-1282

Testimony in the matter of Linda Mizell v. Baseline Control Services, Inc. WCC No. F807493

Deposition in the matter of Johnny Clifton v. Liberty Mutual Fire Insurance Company and Jeremy Holland in the Circuit Court of Independence County, Case No. CV 2012-256-4.

Testimony in the matter of Tommy W. Burch v. Pearl H. McCleary in the Circuit Court of Newton County, Missouri, Case No. 11NW-CV011562

Deposition in the matter of Curtis Pinson and Cristi Pinson, Individually and as Husband and Wife v. 45 Development, LLC, Jeff Palmer, Individually, John Alford, Individually, Citi Trends, Inc., Citi Trends, Inc. d/b/a Cititrends, Cititrends Development Company, LLC, Cititrends Growth Company, LLC, and John Does No. 1 thru 5 in the United States District Court, Western District of Arkansas, Fort Smith Division, Case No. 12-CV-2160-PKH

Deposition in the matter of Tommy W. Burch v. Pearl H. McCleary in the Circuit Court of Newton County, Missouri, Case No. 11NW-CV011562

Deposition in the matter of Russell Zachary v. The Parlor Club, Inc., d/b/a Crosswoods; Phillip Wendall Woodard, individually and as permit holder, owner and manager of Crosswoods; Aleta Faye Woodard, individually and as owner and manager of Crosswoods; Justin Hampton and John Does I-X in the Circuit Court of Johnson County, Arkansas Civil Division, Case No. CV-22012-106

Testimony in the matter of Frederick McClard and Cheryl McClard v. Dr. Bruce L. Smith and Hot Springs Bone and Joint Clinic, P.A in the Garland County Circuit Court, Case No. CV2009-360-III

Testimony in the matter of J.C. Cary v. United State of America in the United States District Court for the Eastern District of Arkansas Eastern Division, Case No. 2-11-CV-0140 BRW

Deposition in the matter of Christopher Buckingham v. Jennyfer L. Ramos and Sherry Ramos in the circuit Court of Baxter County, Arkansas No. CIV 2011-235-3

Deposition in the matter of Larry Minor and Joan Minor, husband and wife v. Schlumberger Technology Corporation, United States District Court, Western District of Arkansas, Fort Smith Division Case No. 11-CV-2258-RTD

Deposition in the matter of Desiree Kolbek, Amy Eddy, Jeanette Orlando, Nicole Farr, Summer Hagan, Jamie Rodriguez and Pebbles Rodriguez vs. Twenty First Century Holiness Tabernacle Church, Gloryland Christian Church, Armful of Help, Tony and Susan Alamo Foundation, Music Square Church, SJ Distributing Inc, Action Distributors, Advantage Food Group, Jeanne Estate Apartments Inc, Robert W. Gilmore d/b/a/ RG & Associates Security, Sally Demoulin, Sharon Alamo, Steve Johnson and Tony Alamo a/k/a Bernard Hoffman, In the United States District Court Western District of Arkansas Texarkana Division, Cause No. 4:10-CV-04124-SOH

Deposition in the matter of Alexandria Smith VS. King W. Evers, Jr., Individually and as Owner of Carhop USA, Inc. et al Case No. 2:12-cv-02080-PKH

Testimony in the matter of George James, Sr. vs. Jerry Burkett, Circuit Court of Arkansas County, Arkansas Southern District Civil Division Case No. CV-2011-22 SD

Testimony in the matter of Joyce Owen v. Toyota Motor Corporation and Toyota Motor Sales, USA, Inc., United States District Court for the Eastern District of Texas, Marshall Division, Case No. 2:10-CV-504

Testimony in the matter of Holly Riley and Timothy Riley, wife and husband, individually, and as a Parent and Next Friends of Blake Owen Riley, a minor, Plaintiffs, v. John J. Pappas, M.D., Mercy Health System of Northwest Arkansas, Inc., and John Doe Insurance Company, Defendants, Case No. CIV-2011-1462-6

Testimony in the matter of Bryce C. Brewer v. Rosie Young, as executrix of the estate of William C. Young, Jr., MD, Deceased and Otolaryngology and Facial Surgery Centre of Northeast Arkansas, PA, Case No. CV-2011-0473 (JF)

Deposition in the matter of J.C. Cary v. United State of America in the United States District Court for the Eastern District of Arkansas Eastern Division, Case No. 2-11-CV-0140 BRW

Testimony in the matter of Carole Muncy v. James Richard Bicknell v. Paul Eagle, Civil Case, Case No. CV-2011-524

Deposition in the matter of Susan R. Noble v. Regency Hospital of Northwest Arkansas, LLC and Zurich American Insurance Company, Respondents No. 1, and Death & Permanent Total Disability, Respondent No. 2, AWCC Claim No.: F806622

Deposition in the matter of Joyce Owen v. Toyota Motor Corporation and Toyota Motor Sales, USA, Inc., United States District Court for the Eastern District of Texas, Marshall Division, Case No. 2:10-CV-504

Deposition in the matter of Steven Edward Israel, Plaintiff, v. Thomas Franklin Ontman and B&B Gas Well Services, LLC, Defendants, Case No. CJ-2009-191

Deposition in the matter of Nicole and Daniel P. Kies v. Byrd & Associates, LTD.; Paul M. Byrd; and Sharon A. Byrd, Case No. CV 2011-718-5

Deposition in the matter of Riley v. Pappas, M.D., et al., Case No. CIV-2011-1462-6

Deposition in the matter of Bryce C. Brewer v. Rosie Young, as executrix of the estate of William C. Young, Jr., MD, Deceased and Otolaryngology and Facial Surgery Centre of Northeast Arkansas, PA, Case No. CV-2011-0473 (JF)

Deposition in the matter of Louisa N. Bohannon v. Robert W. Rice, Circuit Court of Pulaski County, Arkansas Seventeenth Division, Case No. 60CV-2011-0306

Deposition in the matter of Bobby & Kandy Smallwood v. Alataris Capital Partners, LLC, Healthtech Management Inc., Brim Healthcare, Inc., Brim Healthcare of Texas, Inc., Wadley Regional Medical Center, Collom Carney Clinic Association, Cheryl Clevenger, MD, Marcus Crouther, MD, Douglas Gandy, DO and Prakash Hedge, MD.

U.S.D.C. for the Eastern District of Texas, Texarkana Division, Civil Action No 5:11 CV 0093

Deposition in the matter of Ruben Miller v. St. Edward Mercy Medical Center, U.S. District Court, Western District of Arkansas, Fort Smith Division, Case No. 11-2102.

Deposition in the matter of Cassandra Freeman v. Elton Smith and Four Star Transportation District Court, LeFlore County, Case No. CJ-11-160

Testimony in the matter of Cliff Contant v. Marrlin Transit, Inc. WCC No: G103835

Deposition in the matter of George James, Sr. vs. Jerry Burkett, Circuit Court of Arkansas County, Arkansas Southern District Civil Division Case No. CV-2011-22 SD

Testimony in the matter of George Tedder vs. American Industries, Inc., United States District Court, Eastern District of Arkansas Jonesboro Division Case No. 3:09-CV-00186

Deposition in the matter of Nancy Leaks, as Guardian and next of kin to Garrett Henderson b. John Alexander, Jr. MD; Columbia County Circuit No. CV09-163-6th

Testimony in the matter of Donald A. Beshears v. Judith K. Beshears Pulaski County Circuit Court Case No. 60 DR 2011-1712

Deposition in the matter of Margaret Upton, Special Administratrix of the Estate of Larry Upton, Deceased vs. QHG of Springdale, Inc. d/b/a Northwest Health System a/k/a Northwest Medical Center of Washington County, and Northwest Arkansas Hospitals, LLC d/b/a Northwest Medical Center (“Northwest”) Washington County Circuit Case No. CIV-2010-270-4

Deposition in the matter of Harold Hite and Christina Hite v. Advantage Recycling, Inc., et al; Washington County Circuit Case No. CV-2011-788-2

Testimony in the matter of Dianne Mitchell-Turner vs. Jeffrey K. Evans, M.D., Cooper Clinic, P.A., and David W. Hunton, M.D. Sebastian County Circuit Court Case No. CV 09-823

Deposition in the matter of Philip Roberts v. Ed Dell Wortz; Sebastian County Circuit Case No. CV-2009-2244 (V)

Testimony in the matter of Jennifer A. Mittlestat and Mat Mittlestat vs. Heartland Express, Inc. of Iowa and Raymond Hereford, Jr. White County Circuit Court No. 2010-626-3

Deposition in the matter of Jennifer A. Mittlestat and Mat Mittlestat vs. Heartland Express, Inc. of Iowa and Raymond Hereford, Jr. White County Circuit Court No. 2010-626-3

Deposition in the matter of Diane Mitchell vs. Jeffrey K. Evans and Cooper Clinic Circuit Court of Sebastian County Case No. CV-09-823

Deposition in the matter of Paul Briscoe vs. The Ajax Manufacturing Company, U.S. District Court Eastern District of Arkansas Batesville Division Case No. 1:10-CV-087

Testimony in the matter of Atkins vs. Fred Stores of Tennessee, Inc. Sevier County Circuit Court Case No. 2010-4052.

Deposition in the matter of Jeremy and Alisha Loney, The Estate of Daniel Scott Stover and Tara Stover, Robert Pyron and Kelly Sue Pyron vs. Oklahoma Gas and Electric Company; OG&E Electric Services, OG&E Foundation, Inc. and John Does I-IX; American International Recovery and American Home Assurance

Logan County Northern District Circuit Court Case No. CV-2010-16 (Div. 2)

Deposition in the matter of Samuel Jackson vs. Sharon Smith and K-Mac Enterprises, Inc.
Case No. CIV-2008-926

Tanya Rutherford Owen, Ph.D.
Rehabilitation Services

Correspondence to:

1130 E. Millsap

Fayetteville, AR 72703

Statewide: 479-695-1772/ 800-281-5315

fax (501) 421-6043

owenvoc@gmail.com

2017 FEE SCHEDULE

FOR ALL SERVICES

Retainer	\$2500
Deposition	\$750/ hour (2-hour minimum)
Trial Appearance	\$1000 fewer than 4 hours \$2000 four hours or more
Expert Witness Naming Fee	\$850 (applied to case work)
Rush rate (applies for any report required in fewer than 30 days)	\$225 / Hour
Billable Expenses	Parking, Travel expenses as expert witness

LIFE CARE PLANNING FEE SCHEDULE

Life Care Planner-includes home visit	\$195 / hour
Travel Time	\$195 / hour + GSA mileage rate

FORENSIC VOCATIONAL SERVICES FEE SCHEDULE

Vocational Services	\$195 / hour
Travel Time	\$195 / hour + GSA mileage rate

WORKERS COMPENSATION VOCATIONAL SERVICES FEE SCHEDULE

Vocational Services	\$155 / hour
Travel Time	\$155 / hour + GSA mileage rate
Deposition/ Hearing Appearance	\$750 for up to 2 hours, \$175/hr thereafter

effective 7/1/2016

**Curriculum Vitae
Of
Tanya Rutherford Owen**

Correspondence to:

1130 E. Millsap

Fayetteville, AR 72703

Statewide: 800-281-5315

owenvoc@gmail.com

fax (501) 421-6043

PROFESSIONAL EXPERIENCE

Present Position

2001-Present *Rehabilitation Counselor*, Owen Vocational Services, Inc.
Fayetteville, Arkansas

Develop life care plans including outlining services and anticipated costs of care for individuals with injuries such as spinal cord injury, acquired brain injury, amputation, burn, orthopedic injury and congenital impairment. Participate in home/site visits to interview caregivers and healthcare professionals, research recommendations of care, perform cost-analysis, and conduct medical file reviews. Skilled in conducting job analyses, vocational assessments, and job development activities to assist individuals with injuries in the return-to-work process. Skilled in conducting employability and wage earning capacity evaluations. Designated vocational expert for Social Security Office of Hearings and Appeals proceedings. Contracted case manager with the Veteran's Administration, providing rehabilitation services to veterans with service connected disabilities.

2011, 2012, 2016 *Adjunct Professor*, University of Arkansas
Fayetteville, Arkansas

Responsible for classroom lectures, examinations, and all aspects of classroom management. Provide instruction to master's and doctoral level graduate students in rehabilitation counseling at the University of Arkansas. Courses taught include Foundations of Vocational Rehabilitation, Case Management and Employment Interventions & Practices.

2009-2011 *Graduate Teaching Assistant*, University of Arkansas
Fayetteville, Arkansas

Responsible for classroom lectures in college of education and health professions. Provide instruction to master's level graduate students in rehabilitation counseling at the University of Arkansas. Courses taught include rehabilitation case management and rehabilitation counseling supervision.

Previous Positions and Experience

Rehabilitation Counselor, National Center for Life Care Planning
Fayetteville, Arkansas 1999-2001

Active in evaluation and assessment of clients involved in Life Care Planning and vocational evaluation process. Skilled in administration, scoring and interpretation of testing including vocational, personality, achievement tests. Develop life care plans including outlining services and anticipated costs of care for individuals with catastrophic injuries such as spinal cord injury, acquired brain injury, amputation, burn, orthopedic injury and congenital impairment. Participate in home/site visits to interview caregivers and healthcare professionals, research recommendations of care, perform cost-analysis, and conduct medical file reviews.

Vocational Rehabilitation Counselor, Rehab West

San Diego, California 1996-2000

Assist injured employees involved in California's Worker's Compensation vocational rehabilitation process. Skilled in conducting ADA job analyses and accommodation assessments, vocational assessments, LTD evaluations and job development and placement. Responsible for conducting labor market surveys under California's Longshore and Harbor Worker's Compensation Law. Skilled in conducting employability and wage earning capacity evaluations. Served as contracted case manager for Veteran's Administration Chapter 31 clients with duties including training monitoring, case management, and quarterly training site visits.

Clinical & Life Care Planning Assistant, Dr. Randall Thomas

Jackson, Mississippi 1992-1996

Worked as a clinical and life care planning assistant. Skilled in performing comprehensive life care planning services including long and short-term care needs projections for individuals with catastrophic injuries and illnesses. Participated in home/site visits to interview caregivers and healthcare professionals, researched recommendations of care, performed cost-analysis, and conducted medical file reviews. Performed inpatient and outpatient intakes for clients with mental and physical disabilities. Performed vocational assessments including administration of intelligence, interests and aptitude tests.

EDUCATIONAL BACKGROUND

Doctor of Philosophy (Ph.D.) in Rehabilitation

Outstanding Rehabilitation Education & Research Doctoral Student 2010

E. Russell Baxter Award 2010-2011

Doctoral Academy Fellow 2009-2011

University of Arkansas

Fayetteville, Arkansas

Master of Science (M.S.) in Counseling Psychology

University of Southern Mississippi

Hattiesburg, Mississippi

Bachelor of Arts (B.A.), Philosophy

Phi Beta Kappa, magna cum laude

Millsaps College

Jackson, Mississippi

Post-Graduate Certificate in Life Care Planning

University of Florida/ Intelicus

PROFESSIONAL MEMBERSHIPS

Journal of Life Care Planning – Editor

International Association of Rehabilitation Professionals

International Academy of Life Care Planners

PROFESSIONAL CERTIFICATIONS

Certified Life Care Planner (CLCP)

Certified Disability Management Specialist (CDMS)

Certified Rehabilitation Counselor (CRC) #040678

Licensed Professional Counselor (LPC) #P1206069

PROFESSIONAL EDUCATION/ SEMINARS

- International Association of Rehabilitation Professionals Annual Conference, October 23-24, New Orleans, LA.
- International Association of Rehabilitation Professionals Annual Conference, November 6-8, 2014, San Diego, CA.
- Guest Lecturer, University of Arkansas, Fayetteville, Arkansas: *Private Vocational Rehabilitation*, October 28, 2014
- FCEs and Sincerity of Outcome Differences, Arkansas Trial Lawyers Association, Little Rock, AR, February 7, 2014.
- Assessing Damages Through Life Care Plans & Vocational Assessment, Arkansas Trial Lawyers Association, Little Rock, AR, November 2, 2012.
- IARP Forensic Conference, San Juan, Puerto Rico, October 26-27, 2012
- Quantifying Damages via Life Care Plans & Vocational Assessment, Arkansas Association of Defense Counsel, Ridgedale, MO, July 27, 2012.
- Life Care Plan Follow-up Study: 1-10 years Post Settlement, Arkansas Trial Lawyers Association, Rogers, AR, June 14, 2012.
- International Society of Life Care Planners, Scottsdale, AZ, September 17, 2011
 - *Winner: Best Student Paper Award*
 - *Poster Presentation: Life Care Plan Implementation Among Adults with Spinal Cord Injuries*
- Guest Lecturer, University of Arkansas, Fayetteville, Arkansas: *Private Vocational Rehabilitation*
- Workers' Compensation Law & Practice, Springdale, AR, October 6, 2010
- Life Care Planning Summit, Atlanta, GA, April 17-18, 2010
- ADA Amendment Act of 2008, State of Arkansas Workers' Compensation Educational Conference, Hot Springs, AR, April 8, 2010
- State of Arkansas Workers' Compensation Educational Conference, Hot Springs, AR, April 4-6, 2007
- American Board of Vocational Experts 2007 Spring Conference, Seattle, WA, March 30-April 1, 2007
- IARP Forensic Conference, Scottsdale, AZ November 3-4, 2006
- Arkansas Workers' Compensation 18th Annual Educational Conference, Little Rock, AR, October 12-14, 2005.
- Medicare Set-Aside Allocation Program MediPro Seminars, LLC and The University of Florida, August 24, 2005.
- IARP Forensic Conference, San Antonio, TX, November 12-13, 2004
- Arkansas Workers' Compensation 17th Annual Educational Conference, Little Rock, AR, October 13-15, 2004.
- 2004 Ethics-CDMSC Code of Conduct Review: Certification of Disability Management Specialists Commission, Rolling Meadows, IL, May 1, 2004.
- Training Methods in Pediatric Brain Injury Rehab: Timber Ridge Group, Fayetteville, AR, April 14, 2004.
- Daubert/Kumho: VE Issues: CMR Home Study, Agoura Hills, CA, November 24, 2003.
- The TTWWIIA Educational Series: Assisting Social Security Beneficiaries Return to Work-Program 1: New Community Associates, Northborough, MA, May-December 2002.
- Understanding Approaches to Estimating Lost Earnings: Strategies for the Rehabilitation Consultant, Dallas, TX October 25 & 26, 2001.
- Training Methods in Pediatric Brain Injury Rehabilitation and Education, NeuroRestorative Specialty Centers/ TRGI, April 14, 2004.
- Life Care Planning, Life Care Planning Timed Module 8, University of Florida and Intelicus, August 14, 2001.

- Forensic Rehabilitation Module 6, Los Angeles, California, University of Florida and Intelicus, July 14 & 15, 2001.
- LCP/ Pulling it All Together Module 5, Los Angeles, California, University of Florida and Intelicus, July 12 & 13, 2001.
- Life Care Planning, Spinal Cord Injuries & Life Care Planning/ Module 2, Atlanta, Georgia, University of Florida and Intelicus, January 20 & 21, 2001.
- Life Care Planning, Comprehensive Overview: Tenets & Methodology of Life Care Planning/ Module 1, Atlanta, Georgia, University of Florida and Intelicus, January 18 & 19, 2001.
- Life Care Planning, Rehabilitation Consulting & Case Management/ Module 7, University of Florida and Intelicus, November 27, 2000.
- Life Care Planning, TBI/ Pediatric Brain Damage/ Module 4, Washington D.C., University of Florida and Intelicus, November 18 & 19, 2000.
- Life Care Planning, Multiple Disabilities/ Module 3, Washington D.C., University of Florida and Intelicus, November 16 & 17, 2000.
- Understanding and Preventing Workplace Injuries: A Behavioral Approach, San Diego, California, April 12, 1999.
- Ventura County City of Moorpark Supreme Court Decision, San Diego, California, September 18, 1998.
- How to Avoid a Formal Conference, CARRP Convention, San Diego, California, March 20, 1998.
- Longshore and Harbor Workers' Compensation in California, San Diego, California, November 6, 1997
- 4th Annual CARRP Conference, San Diego, California, April, 1997
- Mississippi Counseling Association, 1995 convention. Biloxi, Mississippi. November 1995.
- Mississippi Psychological Association, *Poster Presentation*, 1995 convention, Biloxi, Mississippi, October 1995.
- Mississippi Counseling Association, *Symposium Presenter*, 1994 convention, Jackson, Mississippi, October, 1994.

PUBLICATIONS

- Owen, T. R., Wilkins, M.J., & Kilpatrick, B. (2015). Critical elements of home health service provision for life care planners. *Journal of Life Care Planning*, 13 (4), 11-20.
- Owen, T. R., Wilkins, M.J., Kilpatrick, B. & Paul, T.M. (2015). Life care planning for burn injuries. *Journal of Life Care Planning*, 13 (3), 37-44.
- Owen, T.R. & Wilkins, M.J. (2014). Sincerity of Effort Differences in Functional Capacity Evaluations. *Journal of Rehabilitation*, 80 (3), 53-61.
- Owen, T. & Wilkins, M. Decubitus Ulcer Development in Individuals with Spinal Cord Injury. *Journal of Life Care Planning*, 12 (2), 9-23.
- Owen, T. (2012). Organizational viewpoints on research on life care planning. *Journal of Life Care Planning* 11 (3), 39-51.
- Owen, T. & Thomas, R. (2012). National Spinal Cord Statistical Center cost figures: A comparison to the life care planning approach. *Journal of Life Care Planning* 11 (2), 27-34.
- Owen, T., & Marini, I. (2012). Spinal Cord Injury Attendant Care: Perspectives from Adults with Life Care Plans. *Journal of Life Care Planning*, 10 (4).

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- *Winner: Best Student Paper Award, International Society for Life Care Planners, fall 2011*

Rutherford-Owen (2011). *Investigation of Implementation of Life Care Plans and Impact on the Quality of Life of Individuals with Spinal Cord Injuries*. Retrieved from ProQuest Digital Dissertations. (AAT 3455931).

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“Recreation” (2000, June). {An Educational Tool}. Ridgeland: The National Center for Life Care Planning.

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“Caregiver Responses to Injury” (2000, June). {An Educational Tool}. Ridgeland: The National Center for Life Care Planning.

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Rutherford, T.M. (1998) The state of vocational rehabilitation; A Newcomer shares her experience in the Worker's Compensation Case Management Field. *Inside Case Management*, 4(12), 7-9.

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